

REMARKS/ARGUMENTS

Claims 1-7 remain herein and new claims 8-16 are added hereby. Thus, claims 1-16 are pending herein.

Claims 1-7 were rejected under 35 U.S.C. 102(b) over Japanese 06-090,638 (JP '638).

In rejecting claims 1-7, the U.S. PTO has improperly attempted to equate various features in the claims with features disclosed in publication JP 06-090638 which are dissimilar. Attached is a computer-generated English translation of JP '638 as provided by the Japanese Patent Office (JPO).

The Applicant respectfully disagrees with the assertion in the Office Action that JP '638 discloses as feature 17 a "plate extending transversely across and sealing said first end of said first conduit" as required by present claims 1 and 6.

Claims 1 and 6 require that the plate extends across and seals the first end of the first conduit. The U.S. PTO further attempts to equate the feature U3 shown in Figure 4 of JP '638 with the first conduit recited in the claims. However, Figure 4 of JP '638 clearly shows that feature U3 is not at all in contact with nor sealed by feature 17. Feature U3 is shown as fitting over and contacting only feature 31b. In the present invention, as recited in claim 1, the first conduit is directly sealed at a first end by a plate that extends transversely thereof. Further, feature 17 in JP '638 cannot seal the enclosed space ("clarification room 29") due to "water absorption holes 6" present within feature 17, which allow water through into the "clarification room 29" from below.

Further, contrary to a statement in the Office Action, the feature 14a in JP '638 is not an "axial hole" as recited in claim 1. The translated description of JP '638 indicates that item 14a is "a crevice" which "is formed in the perimeter of a lid 14" (emphasis added) and may engage the "stop heights 5" of feature 2 (see paragraph 0008). The "crevice 14a" is not disposed "axially" within feature 17 and does not provide fluid communication with the first end of feature U2, but acts as a recess to allow features 20, 14 and 2 to be "engaged mutually."

In light of the comments above, the invention defined by independent claims 1 and 6 is clearly *novel* in light of publication JP '638. Accordingly, Applicant respectfully submits that dependent claims 2 to 5 and 7 are rendered *novel* in light of JP '638 due to their dependency on claims 1 or 6. In addition, however, Applicant makes the following further observations with regard to the comments in the Office Action.

In relation to claim 2, the Office Action contains a statement that JP '638 shows a "sleeve 2 extending about a length of the first conduit to define a region..." The U.S. PTO previously attempted to equate the feature U3 of JP '638 with the first conduit in the rejection of claim 1. Plainly, from reviewing the drawings of JP '638, the "sleeve 2" does not extend about a length of the feature U3. Also, feature 33 is specifically disclosed in JP '638 as being a "water absorption hole 33" and differs substantially from the "means for delivering a gas" as asserted by the U.S. PTO. Accordingly, feature 33 delivers water not a gas and is thus different to the means for delivering a gas as claimed. Applicant submits that claim 2 is *novel* in light of publication JP '638.

In respect of claim 3, feature 32 of JP '638 is not configured to deliver a gas at a first end of feature 2 as the U.S. PTO asserts. Firstly, as explained in relation to claim 2, the "filter media-hold object 2" of JP '638 is not equivalent to a sleeve as claimed. The translation of publication JP '638 and Figure 4 clearly shows that the "filter media-hold object 2" is a base for the filter apparatus, and is not a sleeve. Furthermore, the flow of gas in the present invention flows upwardly "about said first conduit." The gas flow in JP '638 is axially upward through the "clarification chamber 29" and is released out through feature 32. Thus, the up flow is within the feature U3, not "about said first conduit" as claimed. Accordingly, claim 3 differs than the device described in JP '638 and is thus *novel*.

With regard to claim 4, JP '638 shows (Figure 4) the "opening 25" as being axially disposed within feature 17 and not within feature U3. Further, Applicant claims the opening to be between the first and second ends of the first conduit. This is

not the case with the opening 25 of the feature 17 in JP '638. Furthermore, the "opening 25" is not disposed above a "pre-determined level" as recited in claim 4, but is completely submerged. Applicant submits that claim 3 is *novel* in light of publication JP '638.

In respect of claim 6, Applicant is unsure as to the point the U.S. PTO makes in respect of "a second length that extends generally horizontally (at 20)." The figure referred to by the U.S. PTO (Figure 4) shows feature 20 in a generally vertical orientation. Feature 20 in JP '638 operates as a "filter-media" to filter water entering through the "water absorption hole 33." Furthermore, feature 20 in JP '638 is completely submerged below a "predetermined level" and not "at least partially below said predetermined level" as recited in claim 6. In JP '638, feature 20 must be completely submerged in the water for the device to extract or filter waste from the water. Accordingly, for reasons given above, Applicant submits that claim 6 is *novel* in light of publication JP '638.

In respect of claim 7, Applicant refers to the differences described above between the claims and the disclosure of publication JP '638.

Favorable consideration of new claims 8-16 is respectfully requested.

It is respectfully noted that JP '638, applied in the rejection contained in the April 3, 2007 Office Action, was not listed among the Notice of References Cited attached to the Office Action. It is respectfully requested that the U.S. PTO issue a Notice of References Cited listing JP '638. Alternatively, attached is a Form PTO-1449 which lists JP '638. If it more convenient for the U.S. PTO, it is respectfully requested that the Examiner acknowledge having considered JP '638 by initialing the attached Form PTO-1449 and returning a copy to the Applicant.

In addition, attached are copies of an Information Disclosure Statement filed on September 13, 2004 and a Supplemental Information Disclosure Statement filed on March 29, 2005. Also attached are copies of a postcard date-stamped by the U.S. PTO mailroom acknowledging receipt of the Information Disclosure Statement filed on September 13, 2004, and a copy of an auto-reply facsimile transmission along with a

certification of Facsimile Transmission, confirming that the Supplemental Information Disclosure Statement was filed by facsimile on March 29, 2005. It is respectfully requested that the U.S. PTO acknowledge having considered the references cited in the Information Disclosure Statement filed September 13, 2004 by initialing the Form PTO-1449 submitted with that Information Disclosure Statement and returning a copy thereof to the Applicant.

In view of the above, claims 1-16 are in condition for allowance.

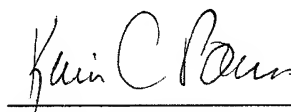
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

July 3, 2007

Date



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KCB/cmb

Attachments:

- English Translation of JP '638
- IDS filed on September 13, 2004
- Supplemental IDS filed on March 29, 2005
- Date-Stamped Postcard from the U.S. PTO Acknowledging Receipt of IDS filed on September 13, 2004
- Copy of Auto Reply Facsimile Transmission and Certification of Facsimile Transmission
- Form PTO 1449 listing JP '638

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